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Violence against women migrant workers

Report of the Secretary-General

Summary

The present report, submitted pursuant to General Assembly resolution 62/132, provides information on the measures taken by Member States and activities undertaken within the United Nations system to address violence against women migrant workers and ensure protection of their human rights. The report concludes with recommendations for future action.

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Contents

		Page
I.	Introduction	3
II.	Measures reported by Member States	3
	A. International instruments	3
	B. Legislation and the justice system	4
	C. Policies	5
	D. Prevention: measures and training	6
	E. Protection and assistance	7
	F. Data collection and research	8
	G. Bilateral, regional, international and other cooperation	8
III.	Activities undertaken within the United Nations system	9
	A. Global legal and policy development	9
	B. Initiatives by United Nations entities and the International Organization for Migration in support of national efforts	12
IV.	Conclusions and recommendations	15

I. Introduction

1. In its resolution 62/132 on violence against women migrant workers, the General Assembly called on Governments to, inter alia, protect the human rights of women migrant workers, provide victims of violence with assistance and protection, strengthen efforts to prevent violence, punish perpetrators, and enhance data collection and bilateral, regional and international cooperation. The Assembly requested the Secretary-General to report to it, at its sixty-fourth session on the problem of violence against women migrant workers and on the implementation of the resolution, taking into account updated information from the organizations of the United Nations system, in particular the International Labour Organization (ILO), the United Nations Development Programme, the United Nations Development Fund for Women (UNIFEM), the International Research and Training Institute for the Advancement of Women, the United Nations Office on Drugs and Crime, as well as the International Organization for Migration (IOM) and other relevant sources. The present report is submitted in accordance with that request and is based on, inter alia, information received from Member States, entities of the United Nations system and IOM. It covers the period since the previous report (A/62/177) up to 1 June 2009.

II. Measures reported by Member States

2. As at 1 June 2009, 28 Member States had responded to the Secretary-General's request for information on the implementation of resolution 62/132,[1] providing information on a range of measures taken to combat violence against, and protect the human rights of, women migrant workers, including strengthening legal frameworks, addressing violence against women migrant workers in national action plans and strategies, carrying out awareness-raising campaigns and other preventive actions, reinforcing efforts to prosecute perpetrators and protect victims and enhancing bilateral and multilateral collaboration. The linkages between trafficking in women and girls and violence against women migrant workers have been noted, and States have provided information on anti-trafficking laws, policies and activities. Separate reports on trafficking in women and girls have been submitted to the General Assembly on a biennial basis, most recently at the sixty-third session (see A/63/215, A/59/185, A/57/170 and A/55/322). The next report on trafficking in women and girls will be submitted to the General Assembly at its sixty-fifth session, as requested in resolution 63/156.

A. International instruments[2]

3. The international legal framework obligates States to adopt laws and policies to address violence against women migrant workers, provides them with guidance in

[1] Replies were received from Azerbaijan, Belarus, Chile, Colombia, the Czech Republic, Denmark, Ecuador, El Salvador, Germany, Ghana, Hungary, Japan, Kyrgyzstan, Malawi, Mexico, Paraguay, Qatar, the Republic of Korea, Romania, the Russian Federation, Rwanda, Slovakia, Spain, Sweden, Thailand, Trinidad and Tobago, Turkey and Turkmenistan.

[2] Information in this section is taken from Government submissions, the multilateral treaties website of the Office of Legal Affairs and the websites of the International Labour Organization and the United Nations Office on Drugs and Crime.

this respect, and establishes a framework for collaboration. Since the previous report issued in 2007, there has been an increase in the number of States parties to international instruments relevant to combating violence against women migrant workers. As at June 2009, 149 States had ratified or acceded to the United Nations Convention against Transnational Organized Crime, while 130 States had ratified or acceded to its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and 119 States had ratified or acceded to the Protocol against Smuggling of Migrants by Land, Sea and Air. Of the Member States that submitted information for the present report, Azerbaijan, Belarus, Chile, Denmark, Ecuador, El Salvador, Germany, Hungary, Kyrgyzstan, Malawi, Mexico, Paraguay, Romania, the Russian Federation, Rwanda, Slovakia, Spain, Sweden, Trinidad and Tobago, Turkey and Turkmenistan had become parties to the Convention and the two Protocols; and Colombia and Qatar had become parties to the Convention and the Trafficking Protocol.

4. As at June 2009, 41 States had become party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Of the Member States reporting, Azerbaijan, Chile, Colombia, Ecuador, El Salvador, Ghana, Kyrgyzstan, Mexico, Paraguay, Rwanda and Turkey had become parties to that Convention. Many of the States providing input to the present report are a party to relevant International Labour Organization conventions, including Convention No. 97 concerning Migration for Employment (Ecuador, Germany, Kyrgyzstan, Malawi and Trinidad and Tobago); Convention No. 111 concerning Discrimination in Respect of Employment and Occupation (Azerbaijan, Belarus, Chile, Colombia, Czech Republic, Denmark, Ecuador, El Salvador, Germany, Ghana, Hungary, Kyrgyzstan, Malawi, Mexico, Paraguay, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Slovakia, Spain, Sweden, Trinidad and Tobago, Turkey and Turkmenistan); and Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Azerbaijan, Belarus, Chile, Colombia, Czech Republic, Denmark, Ecuador, El Salvador, Germany, Ghana, Hungary, Japan, Kyrgyzstan, Malawi, Mexico, Paraguay, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Slovakia, Spain, Sweden, Thailand, Trinidad and Tobago and Turkey).

5. Many Member States drew attention to their adherence to international human rights treaties that contribute to the protection of the rights of women migrant workers. States also indicated their adherence to regional instruments that address violence against women, in particular the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará) (Colombia and Paraguay).

B. Legislation and the justice system

6. States have adopted a range of different laws that can protect women migrant workers from discrimination and violence and punish the perpetrators. States reported on provisions in their penal codes that could be used to address and punish violence against women migrant workers, such as provisions specifying the criminal offences of coercion, abduction, bodily injury, sexual harassment, domestic violence, human trafficking, forced labour, sexual assault and rape, as well as provisions punishing violence against certain groups of people (Belarus, Chile, Czech Republic, Ecuador, El Salvador, Germany, Ghana, Hungary, Japan, Mexico,

Paraguay, Qatar, Romania, Russian Federation, Spain, Sweden, Thailand, Turkey and Turkmenistan). States also reported on provisions in criminal codes and other laws that can protect women migrant workers from arbitrary arrest and detention, such as criminal provisions on unlawful imprisonment and provisions in immigration laws providing for appeal of an expulsion order (El Salvador, Germany, Hungary and Sweden). In some countries, such as Turkey, penalties have increased for sexual harassment committed within the workplace.

7. States reported on different laws that could protect women migrant workers from discrimination, abuse and harassment, including equal treatment and equal opportunities laws (Ecuador, El Salvador, Germany, Mexico and Romania), equal employment acts and labour acts (Azerbaijan, Colombia, Czech Republic, Ecuador, El Salvador, Ghana, Japan, Kyrgyzstan, Malawi, Republic of Korea, Thailand, Trinidad and Tobago and Turkey) and employment of foreign workers acts (Thailand). States highlighted laws that had been adopted to protect women against violence, including sexual violence and domestic violence, and human trafficking, as well as acts to support victims of crime, which can protect women migrant workers (Belarus, Colombia, Ecuador, Ghana, Japan, Kyrgyzstan, Mexico, Paraguay, Republic of Korea, Romania, Spain, Thailand, Trinidad and Tobago and Turkmenistan). Remedies under civil law including compensation, for violation of rights, are also available to women migrant workers (Germany).

8. There was little discussion of the effectiveness of these laws in specifically preventing and addressing violence against women migrant workers. One State (Russian Federation) reported that increased compliance with its labour laws had contributed to a decline in crimes against migrant workers, including women migrant workers.

9. Specific laws to safeguard the human rights of foreigners have been adopted in some countries, such as the Republic of Korea and Spain. Protection for domestic workers has also been strengthened. Sweden, for example, extended protection under its Work Environment Act to employees working in an employer's household. Some States highlighted new legislation that would address some of the vulnerabilities faced by women migrant workers, such as new legislation for labour immigration in Sweden that includes measures to reduce the dependency of migrant workers on their employers. A number of States strengthened control over recruitment and travel agencies and employers (Azerbaijan, Belarus, Kyrgyzstan and Russian Federation), including by requiring licences for agencies recruiting for employment abroad (Belarus) and requiring that collective bargaining agreements include provisions to address sexual harassment and other violence against workers (Azerbaijan).

C. Policies

10. States have addressed violence against women migrant workers in a number of different national action plans and strategies. Some States reported on addressing violence against women migrant workers within the context of policies to address violence against women and promote women's human rights in general (Ghana, Japan, Kyrgyzstan and Slovakia). A number of States described targeted measures taken to address violence against women migrant workers. For example, in Denmark, action plans to address domestic violence included measures to combat

violence against foreign women and provide support services to them. In 2009, Spain adopted a specific plan of action on gender-based violence in immigrant communities, which included a range of prevention and capacity-building measures.

11. States also specifically addressed the situation of migrant women workers in national plans related to employment and other issues. Mexico's plan of action on gender equality, for example, included measures to protect the human rights of women migrants. The Republic of Korea included support and employment services for foreign women married to Korean nationals in its plan to reconcile work and family life. Thailand adopted a migrant health strategy that addressed the health of migrant women, and Ghana was in the process of developing a national migration policy that would incorporate gender perspectives and strengthen protection of the rights of migrant workers. Mexico has developed dedicated national mechanisms to improve coordination among different stakeholders in the development of gender and migration policies and strategies.

12. Some States reported on plans promoting the integration of migrants into their countries (Belarus and Germany). Colombia described its plan to assist its nationals working abroad.

D. Prevention measures and training

13. Prevention is integral to efforts to address violence against women migrant workers. A few States, including Kyrgyzstan and the Russian Federation, pointed out that lack of knowledge about their rights and relevant laws increases the vulnerability of migrant women to violence and abuse. States have made efforts to address this issue and take preventive action in respect of violence against women migrant workers in general, as well as awareness-raising and information campaigns on eliminating violence against women and human trafficking (Belarus, Czech Republic, Japan, Kyrgyzstan, Qatar, Slovakia, Spain and Turkey). These campaigns, often carried out in cooperation with a range of partners and in multiple languages, have included conferences, seminars, the issuance of publications and brochures and other activities.

14. A number of States have carried out information campaigns on violence against women specifically directed at migrant women. For example, Malawi directed campaigns at women who migrate internally within the country, while Denmark carried out campaigns targeting ethnic minority women on violence against women and the rights of victims and assistance available to them. Spain published brochures on the rights of migrant women victims of violence and distributed them in immigrant communities. In Trinidad and Tobago, education and awareness-raising activities on workers' rights included efforts aimed at preventing abuse of women migrant workers and discrimination against them.

15. Germany provided a range of information related to migration and integration for migrants in different languages, including courses targeting foreign women that addressed women's rights and violence prevention issues. Several States, including Chile and Mexico, conducted information campaigns on the rights of women migrants. Thailand reported on education and information programmes concerning the costs and risks of migration, while Azerbaijan noted services providing information for its nationals on employment in different countries and the risks related to illegal employment.

16. Sweden, Thailand and Turkey emphasized the importance of promoting legal channels of migration to reduce the vulnerability of illegal migrants to abuse. Several States, including El Salvador and Mexico, reported on measures taken to prevent the exploitation and abuse of migrant children, including programmes to help identify, assist and repatriate unaccompanied migrant children.

17. Responses to violence against women migrant workers must be carried out in a gender-sensitive and effective manner. To that end, States such as Belarus, Denmark, Ecuador, El Salvador, Germany, Japan, Kyrgyzstan, Mexico, Qatar, Spain, Sweden, Thailand and Trinidad and Tobago carried out training programmes for Government officials, police, the judiciary and other relevant personnel on violence against women, human trafficking, gender equality and other related issues. Denmark, for example, carried out training for personnel working at shelters to better assist battered women with ethnic minority backgrounds. Ecuador established training programmes on violence against women in border areas. Under its anti-trafficking law, Thailand developed operational guidelines for training to enhance the capacity of relevant officials to assist migrant workers and their children, irrespective of their legal status. In Germany, training for the police included a focus on migration and interaction with foreign nationals in daily police work, while in Sweden, the Swedish Migration Board included issues related to gender equality and the situation of women in its training programmes.

E. Protection and assistance

18. Migrant women who are victims of violence need a range of services to help them recover from the trauma of their experience. Member States, including Belarus, Colombia, Denmark, El Salvador, Germany, Hungary, Japan, Kyrgyzstan, Paraguay, Qatar, the Republic of Korea, Spain Sweden, Trinidad and Tobago and Turkey, reported on measures to protect and assist migrant women victims, including shelters, hotlines, legal assistance, psychological and medical services, and the provision of information regarding available services, vocational training and redress. This support was often provided in cooperation with non-governmental organizations (NGOs) and other partners, or by NGOs with financial support from States.

19. In Denmark, services for battered women included a focus on ethnic minority women. The Republic of Korea established shelters for migrant women, and its national budget for 2009 included a specific item for the protection of women migrants. Mexico established shelters throughout the country for migrant children. States, including Denmark and Spain, reported on the possibility for immigrant women who have been victims of domestic violence to independently apply for residency permits. Networks and organizations for migrant women were reported in Germany, Ghana, Mexico and Thailand, including a nationwide coordination group combating violence against women migrants in Germany.

20. States drew attention to protection and support available under work permit arrangements for foreign nationals, including protection under labour laws, access to benefits, such as medical care and education, and monitoring and inspecting of workplaces (Germany, Republic of Korea, Sweden and Turkey). Several States, including Ecuador, El Salvador and Trinidad and Tobago, highlighted labour inspections as a means of protecting the rights of migrant workers. States referred to

measures to enrol migrant children in school, which assist migrant women workers to remain in the country with their children (Thailand). Ghana carried out a project to identify and register girl migrants in order to protect them from abuse and offer education and vocational training.

F. Data collection and research

21. Data availability is critical for informed legal and policy development to address violence against women migrant workers and ensure the protection of their human rights. Several States recognized the general need for improved information and data on migrant populations and undocumented workers. A number of States (Belarus, Germany, Japan, Qatar, Slovakia and Thailand) reported on data collection on violence against women and/or human trafficking, but either did not indicate if this included specific data on violence against women migrant workers or mentioned that the data were not disaggregated by immigration status. In some States (Kyrgyzstan, Spain and Sweden), data included information on violence against migrant women. Data have been compiled from crime and judicial statistics, immigration records, victim support services and surveys. Thailand disaggregated data by a range of factors, including sex, age, nationality, perpetrator and form of violence.

22. Some States have made efforts to enhance their analysis of issues concerning women and migration (Czech Republic, Denmark and Trinidad and Tobago). For example, the Czech Republic researched and analysed the situation of migrants from a gender perspective. Denmark launched a research project on family reunification among ethnic minority groups and on the scope and risk of forced marriage, among other issues. Qatar was conducting a study on women workers in households that examined facts, problems and solutions, while El Salvador was researching the impact of migration on Salvadoran women.

G. Bilateral, regional, international and other cooperation

23. Bilateral and multilateral cooperation is key to addressing violence against women migrant workers. Many States reported on bilateral and regional arrangements and collaboration with United Nations entities and IOM in areas such as combating violence against women, promoting women's human rights and migration. At the bilateral level, States concluded labour agreements and cooperated on information campaigns regarding safe migration and work opportunities. They also concluded arrangements aimed at improving protection for migrant workers.

24. Regional cooperation activities included an IOM project in Barbados, Guyana, Saint Lucia and Trinidad and Tobago aimed at strengthening capacity to collect sex- and age-disaggregated data on migrant workers and enhancing regional cooperation on migration. The Andean community adopted a regional plan of action to enhance migration policies and strategies based on human rights principles. States collaborated with ILO to strengthen frameworks for promoting workers' rights (Ecuador and Trinidad and Tobago) and combating human trafficking, including a project to improve labour standards and protect labour in the countries of the Mekong region. Several States hosted or participated in regional or international conferences on issues such as migration, combating violence against women and human trafficking.

25. A few States reported on specific efforts to address the situation of women migrant workers. For example, Japan supported a programme in Indonesia, implemented by UNIFEM, aimed at empowering women migrant workers in Asia. El Salvador hosted a regional conference on women and migration that included a focus on the risks faced by women migrants.

III. Activities undertaken within the United Nations system

26. Intergovernmental and expert bodies continue to address violence against women migrant workers, and global conferences and meetings have emphasized the importance of protecting the human rights of women migrant workers. Entities of the United Nations system and IOM work to promote and protect the rights and safety of women migrant workers in support of national efforts. As at 1 June 2009, eight entities of the United Nations system and IOM had responded to the Secretary-General's request for information.[3]

A. Global legal and policy development

1. Resolutions and recommendations

27. Legal and policy development continued through resolutions and recommendations adopted by United Nations intergovernmental and expert bodies. At its ninth session, the Human Rights Council adopted resolution 9/5 on the human rights of migrants, which encouraged all States to apply a gender perspective in developing international migration policies in order to adopt the necessary measures to better protect women and girls against dangers and abuse during migration. At its seventeenth session (30 November 2007 and 14-18 April 2008), the Commission on Crime Prevention and Criminal Justice, adopted decision 17/1 on strengthening crime prevention and criminal justice responses to violence against women and girls, which strongly condemned all acts of violence against women and girls, including violence against women migrants and women migrant workers, whether those acts were perpetrated by the State, by private persons or by non-State actors.

28. At its fifty-third session (2-13 March 2009), the Commission on the Status of Women adopted agreed conclusions on the equal sharing of responsibilities between women and men, including caregiving in the context of HIV/AIDS, which urged Governments to strengthen efforts to protect the rights and ensure decent work conditions for all domestic workers, including women migrant domestic workers. The agreed conclusions also urged Governments to take measures to address the special needs of girls, including migrant girls, employed as domestic workers and caregivers, and to provide them access to education, vocational training, health services, food, shelter and recreation, while ensuring the prevention and elimination of child labour and economic exploitation of girls. At its fifty-second session (25 February-7 and 13 March 2008), the Commission addressed refugee women and

[3] International Labour Organization, Office of the United Nations High Commissioner for Human Rights, United Nations Economic Commission for Latin America and the Caribbean, United Nations Economic and Social Commission for Western Asia, United Nations Population Fund, United Nations Development Fund for Women, United Nations High Commissioner for Refugees and United Nations Volunteers programme.

women migrants in its resolution 52/2 on ending female genital mutilation, which urged States to promote effective and specific targeted measures for refugee women and women migrants and their communities, in order to protect girl children from female genital mutilation, including when the practice occurs outside the country of residence.

29. The human rights treaty bodies established under the international human rights treaties continued to address issues relating to violence against women migrant workers. At its forty-second session (20 October to 7 November 2008), the Committee on the Elimination of Discrimination against Women adopted general recommendation No. 26 on women migrant workers, which addressed the heightened risk of violence faced by migrant women, including violence due to irregular or loss of immigration status, domestic violence against women who migrate as spouses of male migrant workers, violence perpetrated by officials in detention centres and violence against women migrant domestic workers. The recommendation highlighted the barriers migrant women workers face in access to justice. It recommended that States parties should ensure that women migrant workers, both documented and undocumented, have access to legal remedies, that linguistically and culturally appropriate gender-sensitive services for women migrant workers are available, and that victims are provided with relevant emergency and social services, regardless of their immigration status. It also recommended that States parties should ensure that women migrant workers in detention do not suffer discrimination or gender-based violence.

30. In their concluding observations on the reports of States parties, the human rights treaty bodies expressed concern regarding the economic and sexual exploitation and ill-treatment of young migrant girls employed as domestic servants (A/63/38), and the incidence of rape and sexual violence experienced by female migrant workers, especially domestic workers (A/63/18). They expressed particular concern regarding the status and situation of female domestic migrant workers, as they cannot easily file complaints and gain redress in cases of abuse (A/63/38). They expressed concern about the ill-treatment of women migrant workers by recruiting companies, which often place them in situations that impair the enjoyment of their human rights while abroad, including debt bondage, forced labour and other ill-treatment, including sexual abuse (A/63/44). They also expressed regret regarding the absence of comprehensive and disaggregated data on complaints, investigations, prosecutions and convictions in cases of ill-treatment of migrant workers (A/63/44). As a result, the treaty bodies have called upon States parties to grant, in law and in practice, female migrant workers and their children the rights provided for in international human rights treaties and to implement measures aimed at informing them about these rights. They have also urged States parties to establish procedures to monitor and safeguard the rights of women migrant workers; adequately prosecute and punish abusive employers; ensure avenues for redress and the availability of services and programmes for protecting women migrant workers against violence; and collect data on the issue.

31. Special rapporteurs of the Human Rights Council highlighted the vulnerability of women migrant workers to violence. For example, the Special Rapporteur on the human rights of migrants, in connection with his visit to Mexico, highlighted the forms of violence to which women migrant workers are subjected, including physical and sexual assault in smuggling operations, and harassment and abuse in detention centres (A/HRC/11/7/Add.2, paras. 49-53 and 62). He recommended that

the Government of Mexico create a mechanism to allow migrant workers, even if in irregular stay, to lodge complaints of abuse regarding unfair labour practices in the domestic sphere, and that it further develop support services and shelters for victims of abuse in the domestic sphere (A/HRC/11/7/Add.2, para. 91).

32. The Special Rapporteur on violence against women, its causes and consequences, examined the relationship between political economy and violence against women, noting that women migrant and domestic workers were among the first to be laid off during the global economic crisis (A/HRC/11/6, para. 26). Violence against women, including incidents of involuntary pregnancy tests, sexual harassment, rape and femicide had been documented in some free trade zones in developing countries, where young, migrant women were hired on temporary and insecure contracts (A/HRC/11/6, para. 72). The Special Rapporteur addressed the impact of multiple oppressions on women migrant workers, emphasizing that their vulnerability to violence is aggravated by working in poor conditions with low social status, living in degrading housing situations and lacking basic legal protections and opportunities for redress (A/HRC/11/6, para. 75). She also addressed the issue in several recent country visits, including her visits to the Republic of Moldova (A/HRC/11/6/Add.4), Tajikistan (A/HRC/11/6/Add.2) and Saudi Arabia (A/HRC/11/6/Add.3).

2. Conferences and meetings

33. A number of conferences and meetings addressed issues of relevance to women migrant workers. For example, the Durban Review Conference, which took place between 20 and 24 April 2009 in Geneva, Switzerland, to evaluate progress towards the goals set by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (2001), addressed the situation of women domestic workers. The outcome document urged States to adopt and enforce legislation to protect migrant domestic workers, regardless of their immigration status, in particular women, and to grant migrant workers in domestic service access to transparent mechanisms for bringing complaints against employers, while stressing that such instruments should not punish migrant workers, and called on States to promptly investigate and punish all abuses, including ill-treatment.

34. The Global Forum on Migration and Development, a State-led initiative established following the High-level Dialogue on International Migration and Development of the General Assembly in 2006, held two meetings, the first in 2007 in Belgium and the second in 2008 in the Philippines. These meetings underscored the importance of protecting the human rights of women migrant workers and ensuring gender-sensitive immigration and development policies. In the lead-up to the second Global Forum, held in 2008, the International Conference on Gender, Migration and Development, organized by ILO, UNIFEM, the United Nations Children's Fund and other partners, was held in the Philippines and attended by a wide range of stakeholders. The outcome documents called for enhanced opportunities for migrant women, protection of their rights and holistic support for survivors of violence.

35. The Governing Body of ILO has agreed to place an item on decent work for domestic workers on the agenda of the 99th Session of the International Labour Conference (2010) with a view to setting international labour standards. Such

standards would contribute greatly to preventing violence against women migrant domestic workers and protecting their rights.

B. Initiatives by United Nations entities and the International Organization for Migration in support of national efforts

1. Support for legislative and policy development

36. Entities of the United Nations system have collaborated with national authorities and developed tools to support the improvement of laws and policies to address violence against women migrant workers and promote their human rights. For example, the Division for the Advancement of Women of the Department of Economic and Social Affairs and the United Nations Office on Drugs and Crime organized an expert group meeting in May 2008 in Austria, which developed a model framework for legislation on violence against women.[4] The framework is intended to assist States in enhancing existing, and developing new, legislation on violence against women. The framework includes the recommendations relevant to migrant women, that legislation should:

(a) Protect all women without discrimination as to race, colour, language, religion, political or other opinion, national or social origin, property, marital status, sexual orientation, HIV/AIDS status, migrant or refugee status, age or disability;

(b) Recognize that women's experience of violence is shaped by factors such as their race, colour, religion, political or other opinion, national or social origin, property, marital status, sexual orientation, HIV/AIDS status, migrant or refugee status, age, or disability, and include targeted measures for particular groups of women, where appropriate;

(c) Provide that survivors of violence against women should not be deported or subjected to other punitive actions related to their immigration status when they report such violence to police or other authorities;

(d) Allow immigrants who are survivors of violence to confidentially apply for legal immigration status independently of the perpetrator.

37. IOM engaged in a number of capacity-building activities for policymakers, which included a focus on the promotion of gender-sensitive migration policies. Its publications included guidance on how countries of origin and destination could include gender analysis in their planning of migration policies. UNIFEM supported the drafting of laws that promote and protect the rights of women migrant workers in a number of countries, including Indonesia, Jordan and Nepal. The United Nations High Commissioner for Refugees continued to give priority to supporting States in the development of migration strategies that address refugee protection concerns.

[4] Based on the results of the 2008 expert group meeting, the Division for the Advancement of Women prepared a handbook for legislation on violence against women, which contains the model framework and is available on the Division's website at: http://www.un.org/womenwatch/daw/vaw/v-handbook.htm.

2. Awareness-raising, capacity-building and other prevention measures

38. United Nations and other relevant entities engaged in and supported advocacy campaigns, as well as awareness-raising and capacity-building activities to promote the human rights of women migrant workers and safe migration. For example, IOM managed a migrant support centre in Zambia that organizes awareness-raising activities on violence against women. In Thailand, IOM carried out a range of information activities to promote and protect the human rights of migrants that included a focus on the vulnerabilities and risks faced by women migrant workers. The United Nations Population Fund (UNFPA) initiated a project aimed at preventing reproductive rights abuses and gender-based violence among migrant women along the borders of 10 countries in Latin America and the Caribbean. Publications were issued by United Nations entities on the prevention and protection of women migrant workers from violence, including an ILO information guide on preventing discrimination, exploitation and abuse of women migrant workers and a joint report by the member agencies of the Global Migration Group on international migration and human rights, which underscored the importance of protecting the human and labour rights of women migrant workers and addressing their vulnerability to human rights abuses, exploitation and discrimination.

39. UNIFEM has organized or supported a number of conferences and meetings among Government representatives and other stakeholders, including recruiting agencies, to raise awareness and exchange good practices in order to combat violence against women migrant workers and protect their rights. It has implemented community awareness-raising and pre-departure orientations for women migrant workers in Indonesia on ways to protect migrant women from violence and abuse, and is carrying out a regional programme on empowering women migrant workers in Asia, which includes building the capacity of migrant workers associations and women migrant workers to claim their rights and entitlements. One of ILO's priorities is to combat forced labour and trafficking of migrant domestic workers and, to that end, it has carried out a number of projects aimed at protecting migrant domestic workers from Indonesia, Malaysia, Singapore and Hong Kong, China. These projects include raising public awareness and targeting advocacy activities to promote policy and legislative protection measures for migrant domestic workers and building the capacity of governmental officials and other stakeholders to effectively combat forced labour and trafficking of migrant domestic workers.

40. The United Nations system and related organizations provided or supported training programmes for different stakeholders on safe migration and the protection of human rights of women migrant workers. Programmes included seminars for delegates of permanent missions to the United Nations on key immigration issues, such as the situation of women migrant workers, provided by UNFPA in collaboration with IOM and the United Nations Institute for Training and Research, among others; IOM training programmes for police, immigration officers, judges, prosecutors and service providers in many countries on protecting the human rights of women migrant victims of abuse and trafficking; UNIFEM-supported training of paralegals in Indonesia to assist women migrant victims of violence and abuse and UNIFEM support in the development of pre-departure trainings and orientation for potential migrant workers in Cambodia and the Lao People's Democratic Republic.

3. Protection and support for women migrant victims of violence

41. United Nations and related entities supported different stakeholders in their efforts to enhance protection and services for women migrant workers. For instance, IOM was involved in the delivery of direct health assistance to migrant populations, including the provision of counselling, HIV post-exposure prophylaxis and emergency contraceptives for gender-based violence survivors in Zimbabwe. In Viet Nam, IOM supported the formulation of self-help groups aimed at empowering women migrant victims of violence and in the Philippines, IOM supported the Government in the production of a video providing self-defence techniques and tips on how to avoid and deal with abuse. In Sri Lanka, the United Nations Volunteers programme supported a project providing legal aid to migrant women and assisting those who are victims of violence.

42. UNIFEM carried out and supported a number of initiatives within the context of its women migrant workers project in Jordan, including the publication of booklets for domestic workers in multiple languages on the rights of women migrant workers and channels of support. UNIFEM supported the Government of Jordan in the endorsement of a contract for non-Jordanian domestic workers, which guarantees the rights of migrant women to life insurance, medical care and rest days, and is considered a requirement for obtaining residency, a work permit and a visa to enter Jordan. UNIFEM supported the establishment of community and resource centres for migrant women in Bangladesh, the organization of returned migrant women in Nepal and the creation of self-help groups for returned women in Cambodia.

4. Data collection, research and support for policy development

43. United Nations and related entities support the increased availability of data on migrant women and violence against them. IOM conducts research and data collection on women and international labour migration, including on trafficking and exploitation of women migrant workers, and supports countries in building their migration data collection. An upcoming IOM publication will present six country studies in Asia dealing with migration and gender, including gender-based violence. UNIFEM has carried out or supported studies on a number of issues, including economic violence against women migrant workers in Nepal and the health status of women migrant workers in Bangladesh, and has conducted mapping and assessment studies of the situation of women migrant workers in several countries, including Jordan, the Lao People's Democratic Republic and the Syrian Arab Republic. ILO has issued a number of studies on gender and migrant workers, including mapping studies on domestic workers.

44. In March 2009, the Secretary-General's database on violence against women was launched during the fifty-third session of the Commission on the Status of Women.[5] The Division for the Advancement of Women functions as the secretariat of the database. The database contains information on measures undertaken by Member States to address violence against women in a number of areas, such as legal frameworks, policies and programmes, services for victims, data and statistics, and promising practices. "Migrant women" is one of the keywords of the database, through which a user can search for and obtain information. The database is

[5] See http://webapps01.un.org/vawdatabase/home.action.

intended as a tool for sharing good practices and initiatives to prevent and eliminate violence against women.

IV. Conclusions and recommendations

45. **Action has been taken at the national, regional and international levels to combat violence against women migrant workers and protect women migrant workers' human rights. The number of States parties to relevant international instruments has increased. Efforts have been made to strengthen national legal and policy frameworks and enhance bilateral and multilateral cooperation.**

46. **Many of the efforts reported related to the development of laws and policies on gender equality, violence against women and/or workers' rights in general, rather than specific measures to address violence against women migrant workers. Some targeted measures to address violence against women migrant workers were reported, including specific legislation, national action plans, strengthening of contractual arrangements and control over recruitment agencies, information campaigns directed at migrant women, and services for women migrant victims of violence.**

47. **Further monitoring and reporting is needed on the effectiveness of all actions taken and their impact on women migrant workers, including use of existing instruments, legislation, policies and strategies on gender equality, violence against women and workers' rights, as well as specific targeted measures directed at migrant women.**

48. **Violence against women migrant workers persists, and women continue to be subjected to violence and their rights violated throughout every stage of the migration cycle. Such violence takes many different forms, including physical, sexual, psychological and emotional violence, as well as economic abuse and exploitation. Undocumented women migrant workers remain particularly vulnerable to violence, exploitation and discrimination.**

49. **States should continue to ratify and implement international instruments and review and revise national legal frameworks to ensure compliance with their international obligations. In respect of both documented and undocumented women migrant workers, this includes ensuring that legislation effectively protects their human rights and comprehensively addresses violence against them; occupations dominated by women migrant workers, such as domestic work, are regulated and include mechanisms for monitoring workplace conditions; women migrant workers have access to legal remedies and redress for violence against them and that they are not penalized for bringing complaints; recruiting and employment agencies are effectively regulated and monitored; perpetrators of violence are effectively prosecuted and punished; and migrant women victims of violence can apply for residency permits independently of an abusive employer or spouse. Mechanisms should be put in place to assess the effectiveness of relevant legislation in the prevention and elimination of all forms of violence against women migrant workers.**

50. **States should ensure that migration policies are gender-sensitive, rights-based and promote safe migration, and that all relevant policies and strategies ensure the protection of the human rights of all women migrant workers and**

comprehensively address violence against women migrant workers, including measures to prevent violence, prosecute perpetrators and protect and support victims. Such policies should incorporate measurable goals and timetables, as well as monitoring and accountability measures, provide for impact assessments and ensure coordination of action among all stakeholders through appropriate mechanisms. States should continue to conclude and implement bilateral and multilateral arrangements to ensure the protection of the rights of all women migrant workers and facilitate effective action in law enforcement and prosecution, prevention and capacity-building and victim protection and support, and to exchange information and good practices in combating violence against women migrant workers.

51. Awareness-raising and other prevention efforts should continue and be reinforced. Education programmes and awareness-raising campaigns should be conducted in sending and receiving countries and directed at migrant women, recruiting and employment agencies, the media, as well as the population as a whole. Such programmes should include the promotion of the human rights of women migrant workers and safe migration, draw attention to existing laws and support for migrant women, and highlight the risks, dangers and opportunities of migration. Such programmes should be multilingual, where appropriate. Pre-departure orientation and training for potential migrants should be gender-sensitive, rights-based and standardized in sending countries. Training programmes for police, immigration officials, judicial personnel, social and health workers and others should be strengthened so that they are systematic and so that all persons responding to violence against women migrant workers have the capacity to do so effectively with full respect for the human rights of the victims.

52. Many States have made efforts to strengthen support systems for victims of violence. States should continue to reinforce such efforts and should ensure that women migrant victims of violence are given the support and protection to which they are entitled in accordance with human rights standards, irrespective of their immigration status. Such support should be linguistically and culturally appropriate. Victims should be provided with information about their rights and empowered to claim those rights. They should be given support and protection, including legal, psychological, medical and social assistance; access to shelters; and compensation for damages. Efforts to assess the impact of measures taken should be enhanced.

53. While States are making some efforts to collect data on gender and migration and to improve the knowledge base on violence against women in general, specific data on violence against women migrant workers is needed including on the different forms of violence, perpetrators and the context in which the violence takes place, be it the home, workplace or detention facility. Such data would facilitate the development of national policies and programmes, monitor their impact and assess progress in addressing violence against women migrant workers. Data collection and analysis should therefore be accelerated and qualitative research intensified to facilitate improved understanding and more effective responses to violence against women migrant workers.